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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/912,220   | 07/24/2001  | David T. Judd        | 12002.1001          | 6475             |
| 35856  | 7590        | 03/29/2005           | EXAMINER            |                  |
| LAVA GROUP LAW BY SMITH & FROHWEIN, LLC<br>P.O. BOX 88148<br>ATLANTA, GA 30356 |             |                      | CARDONE, JASON D    |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             | 2145                 |                     |                  |

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/912,220             | JUDD ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jason D Cardone        | 2145                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 19-22,27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) 19-22,27,29 and 30 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 31 and 32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

1. Claims 19-22, 27, 29 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/9/04. A complete reply to the rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.
2. Claims 31 and 32 are presented for further prosecution.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kagle, USPN 6,779,153.

5. Regarding claim 31 and 32, Kagle discloses a system for remotely accessing a server-based application, the system comprising a client and a server communicatively coupled to the client through a network, the client being operative to:

invoke the server-based application by sending an invocation request to the server [ie. PDA sends request, Kagle, col. 4, lines 32-50 and col. 6, line 66 – col. 7, line 16];

receive and display an SGML-based application interface [ie. display on PDA, Kagle, col. 5, lines 4-19 and col. 9, lines 19-47];

receive an actuation of an aspect of said SGML-based application interface; and deliver a command to the server corresponding with said actuation [ie. change in template, Kagle, col. 6, lines 10-29 and col. 9, lines 1-57]; and

the server being operative to: receive the invocation request from the client; extract client-specific information from the client and the invocation request [Kagle, col. 6, line 66 – col. 7, line 16 and col. 8, lines 33-58];

prepare an SGML-based application interface based on the client specific information; transmit the SGML-based application interface to the client [Kagle, col. 8, lines 33-58 and col. 9, lines 31-47]; and

receive a command corresponding to an actuation of an aspect of said SGML-based application interface and in response to receiving said command prepare a modified SGML-based application interface and deliver it to the client [ie. storing change in template, Kagle, col. 6, lines 10-29 and col. 9, lines 1-57].

6. Claims 31 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsimelzon, USPN 6,763,388.

7. Regarding claim 31 and 32, Tsimelzon discloses a system for remotely accessing a server-based application, the system comprising a client and a server communicatively coupled to the client through a network, the client being operative to:

invoke the server-based application by sending an invocation request to the server [Tsimelzon, col. 4, lines 36-45 and col. 5, lines 51-55];

receive an SGML-based application interface; display said SGML-based application interface [Tsimelzon, col. 4, lines 36-45, col. 4, line 66 – col. 5, line 9 and col. 5, lines 51-67];

receive an actuation of an aspect of said SGML-based application interface; and deliver a command to the server corresponding with said actuation [Tsimelzon, col. 4, lines 36-45, col. 5, lines 51-67 and col. 7, lines 25-35]; and

the server being operative to: receive the invocation request from the client; extract client-specific information from the client and the invocation request [Tsimelzon, col. 4, lines 36-45 and col. 6, lines 36-60];

prepare an SGML-based application interface based on the client specific information; transmit the SGML-based application interface to the client [Tsimelzon, col. 4, lines 36-45, col. 5, lines 1-9, col. 6, lines 36-60 and col. 7, line 56 – col. 8, line 21]; and

receive a command corresponding to an actuation of an aspect of said SGML-based application interface and in response to receiving said command prepare a

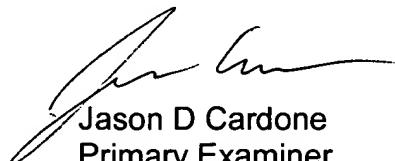
modified SGML-based application interface and deliver it to the client [Tsimelzon, col. 4, lines 25-45, col. 6, lines 36-60 and col. 7, lines 25-55].

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2145

March 25, 2005